

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 1:21-cr-00006-HSO-RPM

KENNETH BRYAN RITCHEY

**CONSENT MOTION FOR STAY OF ORDER GRANTING IN PART AND DENYING IN
PART DEFENDANT RITCHEY'S MOTION FOR INJUNCTION AND RETURN OF
PRIVILEGED MATERIALS**

The United States of America, by and through its assigned Filter Team, moves this Court for a stay of its June 3, 2022 Order, pending appeal by the Government. Defendant Kenneth Bryan Ritchey consents to this Motion.

In support of this Motion, the Filter Team states as follows:

1. On March 28, 2022, Defendant Ritchey filed a Motion for Injunction and Return of Privileged Materials in this case. [Dkt. 72].
2. The Filter Team filed a Response in Opposition on April 13, 2022. [Dkt 81].
3. The Defendant filed a Reply on April 18, 2022. [Dkt 85].
4. This Court issued an Order Granting in Part and Denying in Part Defendant's Motion on June 3, 2022. [Dkt 97]. The Order enjoins the prosecution team to "return all materials seized" under the two warrants executed on April 17, 2020 and August 18, 2022 (the "Seized Materials") and to "destroy any and all copies of these materials in their possession." *Id.* The Order also enjoins the Government's Filter Team from "taking any additional action with the seized materials" until the Court approves a new filter team protocol. *Id.* The Order further directed both parties

“to submit a joint modified filter team protocol to the Court within 14 days of entry” of the Order. *Id.*

5. The Government intends to appeal the June 3, 2022 Order to the District Court pursuant to Federal Rule of Criminal Procedure 59(a).
6. The Filter Team conferred via email with counsel for Defendant, Scott Gilbert and Arthur Madden, on June 9 and 10, 2022. Defendant consents to the Filter Team’s request for a stay of the Order pending resolution of the Government’s appeal, provided the Government halts all work with the Seized Materials and the prosecution team does not access any Seized Materials.
7. Local Rule 72.1(B) provides that a magistrate judge’s order will remain in effect unless and until it is reversed, vacated, modified, or stayed. Local Rule 72.1(B). The rule further provides that a stay application must be filed with the magistrate judge who issued the ruling, and that if a stay is not issued, the aggrieved party can then move for a stay from the district judge to whom the case is assigned. *Id.*

The Government respectfully requests that its Consent Motion for Stay of Order be granted, thereby staying the effectiveness of the June 3, 2022 order until such time as the District Court rules on the Government’s appeal under Federal Rule of Criminal Procedure 59(a) or the time for such an appeal has elapsed.

Dated: June 10, 2022

Respectfully submitted,

LORINDA LARYEA
ACTING CHIEF, FRAUD SECTION

By: /s/ Evan N. Schlom
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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2022, I electronically filed the foregoing with the Clerk of the Court using the ECF system.

This the 10th day of June, 2022.

/s/ Evan N. Schlom

Evan N. Schlom

U.S. Department of Justice